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FEB 24 2004

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#13

In re Application of :
Matthias Kleespies :
Serial No.: 09/915,469 : PETITION DECISION
Filed: May 21, 2001 :
Attorney Docket No.: :

This is in response to the petition under 37 CFR 1.181, filed October 1, 2003, to withdraw the holding of abandonment based on filing of a timely reply. The delay in acting on this petition is regretted.

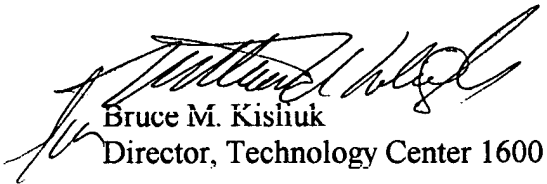
A review of the file history shows that the examiner mailed an Office action to applicant in care of Collard & Roe, applicant's then appointed representatives, on December 31, 2002. A Power of Attorney was received April 7, 2003 which withdrew all previous powers and returned prosecution to applicant. A Notice of Abandonment was mailed to applicant on August 25, 2003, based on a perceived indication that applicants reply was untimely. Applicant states that a reply was filed by e-mail to the Office on March 30, 2003, and provides a copy of an Office generated return receipt showing receipt of the e-mail filed reply on March 30, 2003. A copy of the e-mail was placed in the file, however appears to have been accorded a receipt date of April 7, 2003, which is subsequent to the allowed time period for reply. This caused the examiner to deem the reply as late, as indicated on the Notice of Abandonment. Applicant's evidence shows that the examiner was in error. In view of this, the Notice of Abandonment is withdrawn and the application restored to pending status with the mailing of this decision.

As advice to applicant who appears to be prosecuting the application by himself at this time, it is highly advisable to utilize the services of a registered patent attorney in prosecuting the application. The Power of Attorney papers recently submitted cannot be accepted as neither of the individuals are registered to practice before the Office. A list of registered patent attorneys can be found on the Office web site noted above. Further the Office, due to changes in practice and processing of application papers, does not normally accept replies filed by e-mail. Replies may be filed by facsimile transmission or by mail at the **new address** listed above.

The petition is **GRANTED**.

The application will be forwarded to the examiner for further consideration.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number.



Bruce M. Kisiuk
Director, Technology Center 1600